

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:19-CV-1949
	)	
Plaintiff,	)	JUDGE PAMELA A. BARKER
	)	
v.	)	
	)	
THE REAL PROPERTY LOCATED AT	)	
7411 SALIDA ROAD, MENTOR-ON-THE	)	
- LAKE, LAKE COUNTY, OHIO;	)	
PARCEL NUMBER: 19A-089-A-00-011-0,	)	
	)	
Defendant.	)	

**JOINT MOTION FOR STAY**

NOW COMES plaintiff, the United States of America, and the Claimants herein - namely, Clinton Reider and Caroline E. Reider (husband and wife) and Michael L. Reider and Joy A. Reider (husband and wife) - by and through the undersigned counsel, and respectfully move the Court, pursuant to 18 U.S.C. Sections 981(g)(1) and 981(g)(2), for the entry of an Order staying the above-captioned civil forfeiture case pending the completion of the related criminal investigation/potential criminal prosecution of Claimants Clinton Reider, Caroline E. Reider, Michael L. Reider, and Joy A. Reider. In support of this motion, the parties respectfully submit the following:

1. On August 26, 2019, the United States filed the Complaint in Forfeiture (R. 1) in this case. On August 27, 2019, Notices of Forfeiture – along with copies of the Complaint in

Forfeiture - were personally served on Claimants Clinton Reider, Michael L. Reider, and Joy A. Reider.

3. On September 25, 2019, Claimants Clinton Reider and Caroline E. Reider filed a Verified Claim (R. 6), asserting their respective claim of interest in the defendant Salida Road real property.

4. On October 4, 2019, Claimants Michael L. Reider and Joy A. Reider filed a Verified Claim (R. 10), asserting their respective claim of interest in the defendant Salida Road real property.

5. The alleged illegal activities set forth in the Complaint in Forfeiture (R. 1) – concerning Claimants Clinton Reider, Michael L. Reider, and Joy A. Reider – are the subject of a related gambling, et al., investigation in this district. In this regard, 18 U.S.C. Sections 981(g)(1) and 981(g)(2) provide as follows:

(g)(1) Upon the motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.

(g)(2) Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that –

(A) the claimant is the subject of a related criminal investigation or case;

(B) the claimant has standing to assert a claim in the civil forfeiture proceeding;  
and

(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

6. The undersigned counsel for the United States respectfully represents to the Court that a stay of the instant civil forfeiture action is necessary to protect the government's related criminal investigation/potential criminal prosecution from the expansive scope of civil discovery

that would be required in this case. This case is directly related to the gambling, et al., investigation. Should this case not be stayed, civil discovery could severely compromise confidential law enforcement sources/information, as well as provide improper opportunities for the Claimants to prematurely ascertain the details of the government's criminal investigation.

7. In addition, the undersigned counsel for the Claimants respectfully represent to the Court that the related criminal investigation/potential criminal prosecution necessitates a stay of the instant civil forfeiture action in order to fully preserve the Fifth Amendment rights of Claimants Clinton Reider, Caroline E. Reider, Michael L. Reider, and Joy A. Reider. If this case is not stayed, the Claimants could be required to respond to the allegations set forth in the Complaint in Forfeiture (R. 1) through pleadings, discovery and otherwise. The United States has represented that the activities alleged in its detailed Complaint in Forfeiture (R. 1) are the same activities as, and overlap with, the related criminal investigation. Therefore, responding to the allegations, and otherwise defending against the civil forfeiture case, would not only jeopardize the Claimants' Fifth Amendment rights and potentially permit the United States to use that information in any related criminal proceedings, but could also permit discovery beyond that allowed under Criminal Rule 16 and could expose the Claimants' potential defenses to the alleged conduct.

BASED UPON THE FOREGOING, the parties respectfully request the entry of an Order staying the instant civil forfeiture case pending the completion of the related criminal investigation/potential criminal prosecution. The parties further request that the Order grant the Claimants an extension of time to file their Answers to the Complaint in Forfeiture (R. 1) until further Order of the Court. Should an indictment be returned, it is noted that the outcome of

those criminal proceedings likely would determine the outcome of the instant case. A proposed order is attached.

Respectfully submitted,

Justin E. Herdman  
United States Attorney, N.D. Ohio

/s/ John F. McCaffrey  
John F. McCaffrey (Ohio: 0039486)  
Tucker Ellis LLP  
950 Main Avenue, Suite 1100  
Cleveland, Ohio 44113  
216.696.3486 / Fax: 216.592.5009  
john.mccaffrey@tuckerellis.com

Attorney for Claimants Clinton Reider and  
Caroline E. Reider (per e-mail authorization)

By: /s/ James L. Morford  
James L. Morford (Ohio: 0005657)  
Assistant United States Attorney, N.D. Ohio  
Carl B. Stokes U.S. Court House  
801 West Superior Avenue, Suite 400  
Cleveland, Ohio 44113  
216.622.3743 / Fax: 216.522.7499  
James.Morford@usdoj.gov

/s/ George J. Argie  
George J. Argie (Ohio: 0034219)  
Argie, D'Amico & Vitantonio  
6449 Wilson Mills Road  
Mayfield Village, Ohio 44143  
440.449.3333 / Fax: 440.449.4031  
george@advattys.com

Attorney for Claimants Clinton Reider and  
Caroline E. Reider (per e-mail authorization)

/s/ Richard J. Perez  
Richard J. Perez, Esq.  
Interstate Square, Building I  
4230 State Route 306, Suite 240  
Willoughby, Ohio 44094  
440.953.1310 / Fax: 440.953.1427

Attorney for Claimants Michael Reider and  
Joy A. Reider (per e-mail authorization)

### **CERTIFICATE OF SERVICE**

It is hereby certified that on this 10th day of October, 2019, a copy of the foregoing Joint Motion for Stay, with attached proposed Order for Stay, was filed electronically. Notice of the filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ James L. Morford.  
James L. Morford (Ohio: 0005657)  
Assistant United States Attorney, N.D. Ohio